REMARKS

Claims 31-63 are pending. No claims are amended in the present response, however, a listing of the claims are presented for the Examiner's convenience. Reconsideration is respectfully requested in view of the following remarks.

I. Allowable Subject Matter

Applicant wishes to thank the Examiner for indicating that claims 37-40, 47-50 and 57-60 recite allowable subject matter.

II. The § 103 Rejections

Claims 31-35, 41-45 and 51-55 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,963,915 ("Kirsch") or U.S. Patent No. 6,311,269 ("Luckenbaugh") in view of U.S. Patent Application Pub. No. 2001/0002900 A1 ("Romrell") and U.S. Patent No. 5,532,920 ("Hartrick").

Claims 36, 46 and 56 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kirsch or Luckenbaugh, Romrell, and Hartrick in further view of U.S. Patent No. 5,991,399 ("Grauke").

Applicant respectfully traverses the rejections.

A. Independent claim 31

Claim 31 recites a method for conducting a transaction between a first computer system and a second computer system. The method includes determining by the second computer system whether a request (of a user to download data) represents a new transaction or an incomplete transaction by comparing a first value stored in the first computer system with a value stored in the second system. If the request represents an incomplete transaction, the transaction is completed and the user is not charged duplicate fees associated with starting a new transaction.

Kirsch, Luckenbaugh, Romrell, and Hartrick (either alone or in combination) fail to disclose several aspects of claim 1.

B. Kirch and Luckenbaugh Fail To Disclose Determining Whether a Request Represents a New Transaction or an Incomplete Transaction by Comparing a First Value Stored in the First Computer System with a Second Value Stored in the Second System

Kirch discloses system for performing a purchase transaction over the internet (see Abstract). In particular, Kirsch's system implements a cookie that is stored on a client-side that encodes information sufficient to re-authenticate a client user to a server for purchase transactions (pg. 7, ll. 60-64).

Luckenbaugh discloses a web server security service that provides users access to information that is filtered in accordance with access authorizations corresponding to the user (see Abstract; col. 3, ll. 27-31). In particular, Luckenbaugh implements a security cookie to authenticate user information and validate a user (col. 3, ll. 42-63; col. 8, ll. 53-65).

Luckenbaugh further discloses a session transaction that can be tied together by a cookie (col. 5, ll. 15-31). A session transaction can terminate either based on an expiration of a cookie, or when a web browser is no longer capable of transmitting a cookie to the server. Thus, Luckenbaugh determines whether a new session transaction occurs by examining a lifetime of a cookie or determining whether a cookie is received by the client.

The Examiner recognizes that Kirsch and Luckenbaugh fail to disclose determining whether a request represents a new transaction or an incomplete transaction by comparing a first value stored in the first computer system with a value stored in the second system. The Examiner, however, asserts that these limitations are disclosed by Romrell.

C. Romrell Fails To Disclose Determining Whether a Request Represents a New Transaction or an Incomplete Transaction by Comparing a First Value Stored in the First Computer System with a Second Value Stored in the Second System

Romrell discloses a system for transparent recovery from a communications disruption during transmission of a data stream from a source computer to a destination computer (see Abtract). In particular, Romrell discloses a general recovery method as shown in FIG. 3 (pg. 4, para. 0052). First, a request to transmit a data stream is received (step 20). A network device determines whether the request corresponds to a previously disrupted transmission (step 30). If so, then the network begins transmission of the data stream at a position where the previous transmission was disrupted; otherwise, the network device begins transmission from the start point of the data stream (steps 40-70).

While Romrell discloses determining whether a request corresponds to a previously disrupted transmission, Romrell does not disclose determining whether a request represents a new transaction or an incomplete transaction by comparing a first value stored in the first computer system with a value stored in the second system. Instead, in Romrell's system, a network device determines whether a transmission was disrupted by examining a flag within a cache entry of the network device to indicate that a cache memory associated with the network device contains only partial content (pg. 5, para. 0057) (emphasis added). Thus, in Romrell's system there is no need to compare a value in one network device to another value in a second network device in order to determine whether a previous transmission was disrupted.

Romrell, therefore, fails to disclose determining whether a request represents a new transaction or an incomplete transaction by comparing a first value stored in the first computer system with a value stored in the second system, as recited in claim 1.

D. Hartrick Fails To Disclose Determining Whether a Request Represents a New Transaction or an Incomplete Transaction by Comparing a First Value Stored in the First Computer System with a Second Value Stored in the Second System

In rejecting claim 31, the Examiner cites column 5, lines 43-63 of Hartrick as disclosing recovering from a failed transaction by comparing values retrieved from a requester with values stored at a server. Applicant respectfully disagrees.

In the cited portion, Hartrick discloses a method for copying a book from a publisher's data processor. Specifically Hartrick discloses that as a user is making a proposed copy, an acknowledgement signal is periodically sent from the user's workstation to the publisher's data processor. The acknowledgement signal can be sent for each page or chapter successfully copied by the user. If the user's copying of the book fails before the proposed copying is completed, then the publisher's data processor stores a fault record with the number of the last page or chapter of the book which was successfully copied (col. 5, 45-54). Accordingly, later when the user reconnects his workstation with the publisher's data processor and makes another request to copy the book, the publisher's data processor sends to the user the identity of the last page or chapter successfully copied (col. 5, ll. 56-60).

While Hartrick discloses continuing a previous failed copy transaction at a point where the transaction failed, Hartrick fails to disclose determining whether a request represents a new transaction or an incomplete transaction by comparing a first value stored in the first computer system with a value stored in the second system (emphasis added). Instead, in Hartrick's system, the publisher's data processor stores a fault record indicating the last page that was successfully copied, and therefore, the publisher's data processor contains all the information it needs (i.e., the fault record) to determine whether a copy request represents a new transaction or an incomplete transaction.

Hartrick, therefore, fails to disclose determining whether a request represents a new transaction or an incomplete transaction by comparing a first value stored in the first computer system with a value stored in the second system, as recited in claim 1.

E. The claim has limitations not taught by either reference

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

Kirsch, Luckenbaugh, Romrell, and Hartrick fail to disclose determining whether a request represents a new transaction or an incomplete transaction by comparing a first value stored in the first computer system with a value stored in the second system. Consequently, the combination of Kirsch, Luckenbaugh, Romrell, and Hartrick cannot render claim 1 obvious.

F. Other Independent Claims

Claims 41, 51, and 61-63 each incorporates limitations similar to those of claim 1. Claims 41, 51, and 61-63 (and the claims that depend therefrom) are also allowable over the combination of Kirsch, Luckenbaugh, Romrell, and Hartrick for reasons corresponding to those set forth with respect to claim 1.

In view of the foregoing, Applicant respectfully submits that the claims 31-63 are allowable over the cited references, and are in condition for allowance. Should any unresolved issues remain, the Examiner is invited to call Applicant's attorney at the telephone number indicated below.

Respectfully submitted,
SAWYER LAW GROUP LLP

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Date

Kelvin M. Vivian
Attorney for Applicant(s)
Reg. No. 53,727
(650) 493-4540